



## INTERIOR BOARD OF INDIAN APPEALS

Loren David and Arnold Banish v. Great Plains Regional Director,  
Bureau of Indian Affairs

38 IBIA 98 (09/09/2002)



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
801 NORTH QUINCY STREET  
SUITE 300  
ARLINGTON, VA 22203

LOREN DAVID,	:	Order Vacating Decision
Appellant	:	and Remanding Case
ARNOLD BANISH,	:	
Appellant	:	
	:	
v.	:	Docket Nos. IBIA 02-122-A
	:	IBIA 02-126-A
ACTING GREAT PLAINS REGIONAL	:	
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee	:	September 9, 2002

These are appeals from a May 28, 2002, decision of the Acting Great Plains Regional Director, Bureau of Indian Affairs, concerning the award of leases for two tracts of land on the Sisseton-Wahpeton Reservation. Appellants Loren David (Docket No. IBIA 02-122-A) and Arnold Banish (Docket No. IBIA 02-126-A) were competing bidders under an April 30, 2001, bid advertisement.

The Regional Director has asked that this matter be remanded to her for reconsideration and possible resolution.

It is apparent that prompt resolution of this dispute would benefit all parties. In light of the Regional Director's acknowledgment that reconsideration of her May 28, 2002, decision is warranted, the Board finds that resolution will be achieved most expeditiously if the matter is remanded to her at this time. 1/ Ideally, the dispute will be resolved by agreement among the parties. If that is not possible, the Regional Director shall issue a new decision, which shall inform the parties of their right to appeal the decision to the Board.

---

1/ Appellant David, who prevailed when this dispute was pending before the Regional Director, states that he now seeks damages. He was advised in the Board's June 17, 2002, order that the Board has no authority to award damages. Although his appeal is subject to dismissal for lack of Board authority to award him any relief, the Board finds that the better course is to remand this entire dispute to the Regional Director so that she may address it in a unified manner.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Regional Director's May 28, 2002, decision is vacated, and this matter is remanded to her for further proceedings.

//original signed  
Anita Vogt  
Administrative Judge

//original signed  
Kathryn A. Lynn  
Chief Administrative Judge